

## Part 2 Commission

### **63M-11-201 Composition -- Appointments -- Terms -- Removal.**

- (1) The commission shall be composed of 21 voting members as follows:
  - (a) one senator, appointed by the president of the Senate;
  - (b) one representative, appointed by the speaker of the House of Representatives;
  - (c) the executive director of the Department of Health;
  - (d) the executive director of the Department of Human Services;
  - (e) the executive director of the Governor's Office of Economic Development;
  - (f) the executive director of the Department of Workforce Services; and
  - (g) 15 voting members, appointed by the governor, representing each of the following:
    - (i) the Utah Association of Area Agencies on Aging;
    - (ii) higher education in Utah;
    - (iii) the business community;
    - (iv) the Utah Association of Counties;
    - (v) the Utah League of Cities and Towns;
    - (vi) charitable organizations;
    - (vii) the health care provider industry;
    - (viii) financial institutions;
    - (ix) the legal profession;
    - (x) the public safety sector;
    - (xi) public transportation;
    - (xii) ethnic minorities;
    - (xiii) the industry that provides long-term care for the elderly;
    - (xiv) organizations or associations that advocate for the aging population; and
    - (xv) the general public.
- (2)
  - (a) A member appointed under Subsection (1)(g) shall serve a two-year term.
  - (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members' terms to ensure that the terms are staggered so that approximately 1/2 of the members appointed under Subsection (1)(g) are appointed each year.
  - (c) When, for any reason, a vacancy occurs in a position appointed by the governor under Subsection (1)(g), the governor shall appoint a person to fill the vacancy for the unexpired term of the commission member being replaced.
  - (d) Members appointed under Subsection (1)(g) may be removed by the governor for cause.
  - (e) A member appointed under Subsection (1)(g) shall be removed from the commission and replaced by the governor if the member is absent for three consecutive meetings of the commission without being excused by the chair of the commission.
- (3) In appointing the members under Subsection (1)(g), the governor shall:
  - (a) take into account the geographical makeup of the commission; and
  - (b) strive to appoint members who are knowledgeable or have an interest in issues relating to the aging population.

Renumbered and Amended by Chapter 382, 2008 General Session

**63M-11-202 Executive director -- Qualifications -- Appointment -- Functions.**

- (1)
  - (a) Subject to Subsections (1)(b) and (c), the executive director of the Center on Aging shall appoint an executive director of the commission.
  - (b) The executive director appointed under Subsection (1)(a) shall be a person knowledgeable and experienced in matters relating to:
    - (i) management; and
    - (ii) the aging population.
  - (c) The appointment described in Subsection (1)(a) is not effective until ratified by the governor.
- (2) The executive director of the commission, under the direction of the commission and the executive director of the Center on Aging, shall administer the duties of the commission.

Renumbered and Amended by Chapter 382, 2008 General Session

**63M-11-203 Duties and powers of commission.**

- (1) The commission shall:
  - (a) fulfill the commission's purposes as listed in Section 63M-11-102;
  - (b) facilitate the communication and coordination of public and private entities that provide services to the aging population;
  - (c) study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that provide services to the aging population;
  - (d) study and evaluate the policies, procedures, and programs implemented by other states that address the needs of the aging population;
  - (e) facilitate and conduct the research and study of issues related to aging;
  - (f) provide a forum for public comment on issues related to aging;
  - (g) provide public information on the aging population and the services available to the aging population;
  - (h) facilitate the provision of services to the aging population from the public and private sectors; and
  - (i) encourage state and local governments to analyze, plan, and prepare for the impacts of the aging population on services and operations.
- (2) To accomplish its duties, the commission may:
  - (a) request and receive from any state or local governmental agency or institution, summary information relating to the aging population, including:
    - (i) reports;
    - (ii) audits;
    - (iii) projections; and
    - (iv) statistics;
  - (b) apply for and accept grants or donations for uses consistent with the duties of the commission from public or private sources; and
  - (c) appoint special committees to advise and assist the commission.
- (3) All funds received under Subsection (2)(b) shall be:
  - (a) accounted for and expended in compliance with the requirements of federal and state law; and
  - (b) continuously available to the commission to carry out the commission's duties.
- (4)
  - (a) Members of a special committee described in Subsection (2)(c):
    - (i) shall be appointed by the commission;

- (ii) may be:
  - (A) members of the commission; or
  - (B) individuals from the private or public sector; and
- (iii) notwithstanding Section 63M-11-206, shall not receive any reimbursement or pay for any work done in relation to the special committee.
- (b) A special committee described in Subsection (2)(c) shall report to the commission on the progress of the special committee.
- (5) This chapter does not diminish the planning authority conferred on state, regional, and local governments by existing law.

Renumbered and Amended by Chapter 382, 2008 General Session

**63M-11-204 Annual report by the commission.**

- (1) The commission shall annually prepare and publish a report directed to the:
  - (a) governor; and
  - (b) Health and Human Services Interim Committee.
- (2) The report described in Subsection (1) shall:
  - (a) describe how the commission fulfilled its statutory purposes and duties during the year; and
  - (b) contain recommendations on how the state should act to address issues relating to the aging population.

Amended by Chapter 323, 2010 General Session

**63M-11-205 Appointment of chair -- Meetings.**

- (1) The governor shall appoint a member of the commission to serve as chair.
- (2)
  - (a) Subject to the other provisions of this Subsection (2), the chair is responsible for the call and conduct of meetings.
  - (b) The chair shall call and hold meetings of the commission at least bimonthly.
  - (c) One of the bimonthly meetings described in Subsection (2)(b) shall be held while the Legislature is convened in its annual session.
  - (d) One or more additional meetings may be called upon request by a majority of the commission's members.
- (3)
  - (a) A majority of the members of the commission constitute a quorum.
  - (b) The action of a majority of a quorum constitutes the action of the commission.

Renumbered and Amended by Chapter 382, 2008 General Session

**63M-11-206 Members serve without pay -- Reimbursement for expenses.**

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title JR5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

**63M-11-207 Oversight -- Executive director salary -- Staff support -- Use of funds.**

(1) The Center on Aging shall:

- (a) pay the salary, and oversee the performance of, the executive director of the commission;
- (b) provide staff support for the executive director of the commission and the commission; and
- (c) provide office space, furnishings, and supplies to the commission, the executive director of the commission, and support staff.

(2) The funds appropriated by the Legislature for the commission may only be used for the purposes described in this chapter.

Renumbered and Amended by Chapter 382, 2008 General Session